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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,272	09/28/2001	Carlton Bartels	CF-55	6788
1473	7590	05/24/2004	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105				SNAPP, SANDRA S
ART UNIT		PAPER NUMBER		
3624				

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/967,272	BARTELS ET AL. <i>Mu</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sandra Snapp	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 and 16-21 is/are rejected.
- 7) Claim(s) 15 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

***Response to Amendment***

Claims 1-21 are currently pending in the present application. This Office Action is in response to the Amendment filed on 3-9-4.

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 3-9-4 was filed in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

***Claim Rejections - 35 USC § 112***

The Applicant has stated in both the specification and again in the Amendment of 3-9-4 that “late breaking” news announcements specifically refer to “available news announcements that the user has not yet reviews.” As such, the Examiner accepts the phrase as adequately defined and therefore not vague. The rejection of claim 18 under 35 U.S.C. 112, second paragraph, is herein withdrawn.

***Claim Rejections - 35 USC § 103***

The previous rejection of claims 1-14 and 17-21 under 35 U.S.C. 103(a) as being unpatentable over the Pugliese III, et al. publication (US 2001/0044751 A1) is herein withdrawn in view of the following new rejection.

The previous rejection of claim 16 under 35 U.S.C. 103(a) as being unpatentable over Pugliese reference as applied to claim 1 above, and further in view of Sowinski (US 6,601,033 B1) is herein withdrawn in view of the new rejections listed below.

Claims 1-14 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese reference in view of Messmer et al. (US 2001/0037278) and further in view of Sowinski (US 6,601,033 B1).

The Pugliese reference discloses a method for simulating trading using an electronic trading application, comprising:

Allowing a user to participate in an electronic trading simulation (page 1, paragraph 0008 – simulates live auction) and allowing a simulation administrator to modify parameters in connection with the electronic trading simulation in real-time (page 1, paragraph 0008 – real time)(claims 1, 7 and 21). The Pugliese references lacks:

disclosing that the trading is of carbon dioxide equivalents, and the system is for a simulating trading.

The Sowinski reference teaches allowing the user to trade carbon monoxide equivalent emission reductions using the electronic trade application (col. 1, lines 43-54 – exchanges and col. 6, line 64- carbon monoxide reductions)(claim 1 and 16). Since Pugliese discloses a trading system for any type of good, and also since Sowinski discloses a trading system specifically geared toward carbon monoxide reductions, it would have been obvious to combine the “goods” (i.e. carbon monoxide reductions) of the Sowinski patent with the “goods” of the Pugliese patent so as to reach an expansive audience yet provide a reasonable means of trading reductions.

Also, although the Sowkinski reference specifically discloses a system for carbon *monoxide* emission reductions, the Examiner takes Official Notice that the actual number of carbon molecules present in the emission is irrelevant to the trading system therefore. It would be obvious to use the same trading system for carbon *monoxide* and for carbon *dioxide* emission reductions since the actual process is really directed to the trading of a good, in this case an emission reduction. And the trading system is capable of working with any type of good that would encompass both carbon monoxide emission reductions as well as carbon dioxide emission reductions.

The Messmer patent teaches simulating a bidding system so that bid scenarios can be examined and the best bid prices according to risk and return be determined (Messmer – Abstract) (claim 1). It would have been obvious to one of ordinary skill in the art to modify the Pugliese system to include that it may be used for simulating a bidding system so as to provide users with a mechanism that will give them the best optimal conditions prior to entering an actual market.

Also, the Examiner takes the position that it is well known in the computer art that “tests” of computer programs are run prior to actually launching such systems, and such tests are considered by the Examiner to be “simulations” of the actual program. Also, since there is no appreciable difference between the actual process and the simulated process, it is the Examiner’s position that the processes are the same, that is the computer system disclosed in the Pugliese system would be the same and perform the same, whether it were used for a simulation or for an actual auction, as such it anticipates the presently claimed invention since the underlying computer systems are essentially the same. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made that the Pugliese system could have been used as a simulated trading system.

Allowing the administrator to log on (page 7, paragraph 0139 – ShopLive Administrators, it is inherent in an online system that the participants must log on to the system)(claim 2);

Allowing the administrator to modify a real-time timeline (page 20, paragraph 0375 – scheduled events)(claim 3);

Allowing the administrator to create a news announcement (page 20, paragraph 0375 - notifications)(claim 4);

Allowing the administrator to release the news announcement (page 20, paragraph 0375 - notifications)(claims 5 and 6);

Allowing the administrator to modify parameters in connection with an organization that is participating in the simulation (page 7, paragraph 0139)(claim 8);

Allowing the administrator to modify parameters in connection with a country that is participating in the simulation (page 7, paragraph 0139)(claim 9);

Allowing the user to log on (page 13, paragraph 250)(claim 10);

Allowing the user to review information about the electronic trading simulation (page 7, paragraph 0135 & 0136)(claim 11);

Allowing the user to select an organization to participate in the simulation (page 10, paragraph 0194 & 0195)(claim 12);

Allowing the user to review the position of an organization selected to participate (page 10, paragraph 0194 & 0195)(claim 13);

Allowing the user to generate credits in connection with an organization selected to participate (page 22, paragraph 0387 - incentives)(claim 14);

Allowing the user to trade carbon dioxide equivalent emission reductions using the electronic trading application (claim 16). The Sowinski reference teaches allowing the user to trade carbon monoxide equivalent emission reductions using the electronic trade application (col. 1, lines 43-54 – exchanges and col. 6, line 64- carbon monoxide reductions)(claim 16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Pugliese reference with the teachings of the Sowinski reference because an auction system allows for buyers and sellers in various geographic regions to trade excess emission reductions while allowing those in need to acquire such reductions. Since Pugliese discloses a trading system for any type of good, and also since Sowinski discloses a trading system specifically geared toward carbon monoxide reductions, it would have been obvious to combine the “goods” of the Sowinski patent with the auction of the Pugliese patent so as to reach an expansive audience yet provide a reasonable means of trading reductions.

Also, although the Sowinski reference specifically discloses a system for carbon *monoxide* emission reductions, the Examiner takes Official Notice that the actual number of carbon molecules present in the emission is irrelevant to the trading system therefore. It would be obvious to use the same trading system for carbon *monoxide* and for carbon *dioxide* emission reductions since the actual process is really directed to the trading of a good, in this case an emission reduction. And the trading system is capable of working with any type of good that would encompass both carbon monoxide emission reductions as well as carbon dioxide emission reductions.

Allowing the user to review a news announcement (page 20, paragraph 0375 - notifications)(claim 17);

Allowing the user to review a late breaking news announcement (as best understood – page 20, paragraph 0375- notifications)(claim 18);

Allowing the user to review a timeline of sessions of the electronic trading simulation (page 20, paragraph 0375 – scheduled events)(claim 19); and

Allowing the user to review a report at the end of the electronic trading simulation (page 4, paragraph 80 - reports)(claim 20).

#### ***Allowable Subject Matter***

The objection of claim 15 is herein maintained.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

ss

*Sandra Snapp*  
SANDRA S. SNAPP  
PATENT EXAMINER  
GROUP 3600

*SANDRA S. SNAPP*